

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

QUINCY MCCOMAS,

Plaintiff,

vs.

BANK OF AMERICA CORP. et al.,

Defendants.

3:11-cv-00752-RCJ-VPC

**ORDER**

Plaintiff Quincy McComas sued Defendants Bank of America Corp., Bank of America, N.A., and Bank of America Home Loans (collectively, "BOA") in state court on what appears to be a claim for statutorily defective foreclosure under Chapter 107. Defendants removed and filed the present motion to dismiss or for a more definite statement on October 25, 2011. Plaintiff failed to respond but three months later requested an indefinite extension of time to respond. Counsel for Plaintiff claimed to have suffered a computer failure and also to have never received the motion to dismiss, despite the certificate of service attached thereto and counsel's mandatory participation in the CM/ECF electronic delivery system. Even still, Plaintiff lodged no response when making the request for an extension, and two months thereafter Plaintiff has still not substantively responded. The Court therefore grants the motion to dismiss. *See* Local R. 7-2(d). In any case, a review of the public records adduced with the motion to dismiss indicates a statutorily proper foreclosure, as the original lender, BOA, assigned the note and deed of trust to BAC, which in turn substituted Recontrust as trustee, which in turn filed the notice of default, all on March 30, 2011, before AB 284 was in effect.

1 **CONCLUSION**


2 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 3) is GRANTED and  
3 the lis pendens on the subject property at 8672 18th Hole Trail, Reno, NV 89523 is  
4 EXPUNGED.

5 IT IS FURTHER ORDERED that the hearing set for June 18, 2012 is VACATED.

6 IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

7 IT IS SO ORDERED.

8 Dated this 11th day of May, 2012.

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11 ROBERT C. JONES  
12 United States District Judge  
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